

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LESLYE HINDS,

Plaintiff,

VS.

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR; DOE
EMPLOYEE; DOES I through XX, inclusive;
and ROE CORPORATIONS I through XX,
inclusive.

Defendants.

2:21-cv-00622-GMN-VCF

ORDER

Before the Court is Plaintiff's Motion to Enlarge Time to Serve Defendants. (ECF No. 6).

Plaintiff seeks an extension of 65 days under FED. R. CIV. P. 4(m) to confirm and effectuate service upon Defendant.

A. Relevant Law

Pursuant to Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” “The 90-day time limit imposed by Rule 4(m) expires 90 days after the first complaint in which the defendant is named...” is filed. *Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006)(emphasis added). The 90–day time limit for service does not restart each time a plaintiff files a new amended complaint. *Id.* The district court may extend time for service of process retroactively

1 after the 90-day service period has expired. See *Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th
2 Cir.2003).

3 **B. Discussion**

4 Plaintiff's complaint was filed on April 15, 2021. (ECF No. 1). The deadline to effectuate service
5 of process is July 14, 2021. *Id*; Fed. R. Civ. P. 4(m). Plaintiff states that it has attempted service on
6 Defendant, but the process server was told that no one was available at the United States of America
7 Department of the Interior until after the July 4th holiday.

8 The time to effectuate service upon the Defendant expired on July 14, 2021, and Plaintiff must
9 make a showing of good cause or excusable neglect in order for the court to extend this deadline for an
10 appropriate period. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d at 1198; *Mann*, 324 F.3d at 1090 (the
11 court may extend the deadline for service of process retroactively).

12 Here, the court finds that good cause warrants extending the service of process deadline.

13 Accordingly, and for good cause shown,

14 IT IS ORDERED that Plaintiff's Motion to Enlarge Time to Serve Defendant (ECF No. 6) is
15 GRANTED. Plaintiff must file proof of service for Defendants on or before September 27, 2021.

16 DATED this 22nd day of July, 2021.

17 
18 CAM FERENBACH
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25